



State of Wisconsin
2013 - 2014 LEGISLATURE

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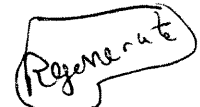
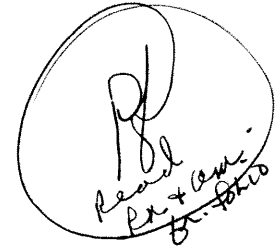


LRB-2915/P2

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



AN ACT *to repeal* 48.44 (2), 48.78 (2) (d) 3., 301.26 (4) (cm) 2., 302.11 (10), 302.17
(3), 302.255, 304.15, 938.992 (3) and 946.42 (3) (d); *to renumber and amend*
48.355 (4), 48.357 (6), 48.365 (5), 48.38 (4) (ar), 48.44 (1), 48.619, 938.357 (6),
938.365 (5) and 938.38 (4) (ar); *to amend* 20.410 (3) (cg), 48.02 (intro.), 48.33
(4) (intro.), 48.335 (3g) (intro.), 48.357 (1) (am) 2. (intro.), 48.357 (2), 48.357 (2m)
(a), 48.357 (2m) (b), 48.38 (2) (intro.), 48.38 (2) (g), 48.385, 48.48 (17) (c) 4.,
48.481 (2), 48.57 (3) (a) 4., 48.57 (3m) (a) 1., 48.57 (3n) (a) 1., 48.57 (3n) (am) 6.
a., 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (intro.), 48.645 (1) (a), 48.645 (2) (a) 3.,
48.645 (2) (b), 48.685 (1) (am), 48.685 (1) (b), 146.82 (2) (a) 18m., 227.03 (4),
252.15 (3m) (d) 15., 301.03 (9), 301.12 (2), 301.26 (4) (a), 301.26 (4) (b), 301.26
(4) (c), 301.26 (4) (d) 1m., 302.11 (1), 302.17 (2), 302.31 (7), 767.405 (8) (b) 1.,
767.405 (10) (e) 1., 767.41 (2) (b) 2. c., 767.41 (5) (am) 12., 905.045 (1) (a), 938.02
(intro.), 938.33 (4) (intro.), 938.335 (3g) (intro.), 938.355 (4) (a), 938.355 (6) (a)
1., 938.355 (6) (a) 2., 938.355 (6d) (a) 1., 938.355 (6d) (a) 2., 938.355 (6d) (b) 1.,
938.355 (6d) (b) 2., 938.355 (6d) (c) 1., 938.355 (6d) (c) 2., 938.357 (1) (am) 2.

or the termination date of a termination of parental rights order

~~transferring~~ transferring a child with an IEP to the guardianship of an agency

of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.)

Specifically, the bill requires an agency, not less than 120 days before the termination date of a dispositional order of a child with an IEP who has attained 18 years of age, to request the child to indicate whether he or she wishes to be discharged from out-of-home care on termination of the order, wishes to continue in out-of-home care under an extension of the order, or wishes to continue in out-of-home care under a voluntary transition-to-independent-living agreement.

If the child with an IEP indicates that he or she wishes to be discharged from out-of-home care on termination of the dispositional order, the agency must request the juvenile court to hold a transition-to-discharge hearing, and the juvenile court must hold the hearing within 30 days after receipt of the request. At the hearing the juvenile court must review with the child the options of being discharged from out-of-home care on termination of the order, continuing in out-of-home care under an extension of the order, or continuing in out-of-home care under a voluntary agreement.

If the juvenile court determines that the child with an IEP understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the dispositional order, the juvenile court must advise the child that he or she may enter into a voluntary transition-to-independent-living agreement at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and the IEP remains in effect. If the juvenile court determines that the child with an IEP wishes to continue in out-of-home care under a dispositional order, the juvenile court must schedule a hearing for the extension of the dispositional order. If the juvenile court determines that the child with an IEP wishes to continue in out-of-home care under a voluntary transition-to-independent-living agreement, the juvenile court must order the agency to provide transition-to-independent-living services for the child under such an agreement.

The bill permits a child with an IEP, or the child's guardian on behalf of the child, on termination of a dispositional order, to enter into a transition-to-independent-living agreement with the agency under which the child continues in out-of-home care and continues to be a full-time student at a secondary school or its vocational or technical equivalent under the IEP until the child reaches 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement, whichever occurs first, and the agency provides services to the child to assist him or her in transitioning to independent living. ~~That any time during the term of the agreement the child or his or her guardian indicates in writing that the child wishes to terminate the agreement, the agency must request the juvenile court to hold a transition-to-discharge hearing. The bill also permits a child who terminates a voluntary transition-to-independent-living agreement to enter into a new agreement at any time before he or she is granted a high school or high~~

The bill also permits a child or his or her guardian to terminate the agreement at any time by notifying the agency in writing that the child wishes to terminate the agreement. In addition, the bill

school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and the IEP remains in effect.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.410 (3) (cg) of the statutes is amended to read:

2 20.410 (3) (cg) *Serious juvenile offenders.* Biennially, the amounts in the
3 schedule for juvenile correctional institution, corrective sanctions, alternate care,
4 aftercare, and other juvenile program services specified in s. 938.538 (3) provided for
5 the persons specified in s. 301.26 (4) (cm), and for juvenile correctional institution
6 services for persons placed in juvenile correctional institutions under s. 973.013 (3m)
7 ~~and for juvenile correctional services for persons under 18 years of age placed with~~
8 ~~the department under s. 48.366 (8).~~

9 **SECTION 2.** 48.02 (intro.) of the statutes is amended to read:

10 **48.02 Definitions.** (intro.) In this chapter, unless the context requires
11 otherwise defined:

12 **SECTION 3.** 48.33 (4) (intro.) of the statutes is amended to read:

13 48.33 (4) **OTHER OUT-OF-HOME PLACEMENTS.** (intro.) A report recommending
14 placement of an adult expectant mother outside of her home shall be in writing. A
15 report recommending placement of a child in a foster home, group home, or
16 residential care center for children and youth, in the home of a relative other than
17 a parent, ~~or~~ in the home of a guardian under s. 48.977 (2), or in a supervised
18 independent living arrangement shall be in writing and shall include all of the
19 following:

9
Intro
10
4-11
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12

1 **SECTION 4.** 48.335 (3g) (intro.) of the statutes is amended to read:

2 48.335 **(3g)** (intro.) At hearings under this section, if the agency, as defined in
3 s. 48.38 (1) (a), is recommending placement of the child in a foster home, group home,
4 or residential care center for children and youth ~~or~~, in the home of a relative other
5 than a parent, in the home of a guardian under s. 48.977 (2), or in a supervised
6 independent living arrangement, the agency shall present as evidence specific
7 information showing all of the following:

8 **SECTION 5.** 48.355 (4) of the statutes is renumbered 48.355 (4) (a) and amended
9 to read:

10 48.355 **(4)** (a) Except as provided under s. 48.368, an order under this section
11 or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or
12 continues the placement of the child in his or her home shall terminate ~~at the end~~
13 of one year after ~~its entry~~ the date on which the order is entered unless the judge
14 specifies a shorter period of time or the judge terminates the order sooner.

15 **(b)** Except as provided under s. 48.368, an order under this section or s. 48.357
16 or 48.365 made before the child reaches 18 years of age that places or continues the
17 placement of the child in a foster home, group home, or residential care center for
18 children and youth ~~or~~, in the home of a relative other than a parent, or in a supervised
19 independent living arrangement shall terminate ~~when~~ on the latest of the following
20 dates, unless the judge specifies a shorter period or the judge terminates the order
21 sooner:

22 1. The date on which the child reaches 18 years of age, ~~at the end of~~

23 2. The date that is one year after ~~its entry~~, or, if the date on which the order is
24 entered.

3. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 19 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, ~~when the child reaches 19 years of age, whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner.~~

(c) An order under this section or s. 48.357 or 48.365 relating to an unborn child in need of protection or services that is made before the unborn child is born shall terminate ~~at the end of one year after its entry~~ the date on which the order is entered unless the judge specifies a shorter period of time or the judge terminates the order sooner.

the child is 17 years of age or older when the order is entered and

SECTION 6. 48.355 (4) (b) 4. of the statutes is created to read:

48.355 (4) (b) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child. The court may not enter an order that terminates as provided in this subdivision unless the child, or the child's guardian on behalf of the child, agrees to the order.

SECTION 7. 48.357 (1) (am) 2. (intro.) of the statutes is amended to read:

48.357 (1) (am) 2. (intro.) Any Except as provided in subd. 2r., any person receiving the notice under subd. 1. or notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice.

At any time during the term of an order under this subdivision the child, or the child's guardian, on behalf of the child, may request the court ^{in writing} to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

1 Except as provided in ~~subd.~~ subds. 2m. and 2r., placements may not be changed until
2 10 days after that notice is sent to the court unless written waivers of objection are
3 signed as follows:

4 **SECTION 8.** 48.357 (1) (am) 2r. of the statutes is created to read:

5 48.357 (1) (am) 2r. If the proposed change in placement involves a child who
6 is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
7 48.355 (4) (b) 4. or 48.365 (5) (b) 4., the person or agency primarily responsible for
8 implementing the dispositional order, the district attorney, or the corporation
9 counsel may request a change in placement under this paragraph only if the child
10 or the child's guardian on behalf of the child consents to the change in placement.
11 That person or agency, the district attorney, or the corporation counsel shall cause
12 written notice of the proposed change in placement to be sent to the child, the
13 guardian of the child, and any foster parent or other physical custodian described in
14 s. 48.62 (2) of the child. No hearing is required for a change in placement described
15 in this subdivision, and the child's placement may be changed at any time after notice
16 of the proposed change in placement is sent to the court.

17 **SECTION 9.** 48.357 (2) of the statutes is amended to read:

18 48.357 (2) If emergency conditions necessitate an immediate change in the
19 placement of a child or expectant mother placed outside the home, the person or
20 agency primarily responsible for implementing the dispositional order may remove
21 the child or expectant mother to a new placement, whether or not authorized by the
22 existing dispositional order, without the prior notice provided in sub. (1) (am) 1. or
23 the consent required under sub. (1) (am) 2r. The notice shall, however, be sent within
24 48 hours after the emergency change in placement. Any party receiving notice may
25 demand a hearing under sub. (1) (am) 2. In emergency situations, a child may be

1 placed in a licensed public or private shelter care facility as a transitional placement
2 for not more than 20 days, as well as in any placement authorized under s. 48.345
3 (3).

4 **SECTION 10.** 48.357 (2m) (a) of the statutes is amended to read:

5 48.357 (2m) (a) ~~The~~ Except as provided in par. (bv), the child, the parent,
6 guardian, legal custodian, or Indian custodian of the child, the expectant mother, the
7 unborn child by the unborn child's guardian ad litem, or any person or agency
8 primarily bound by the dispositional order, other than the person or agency
9 responsible for implementing the order, may request a change in placement under
10 this paragraph. The request shall contain the name and address of the new
11 placement requested and shall state what new information is available that affects
12 the advisability of the current placement. If the proposed change in placement would
13 change the placement of a child placed in the child's home to a placement outside the
14 child's home, the request shall also contain specific information showing that
15 continued placement of the child in the home would be contrary to the welfare of the
16 child and, unless any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies,
17 specific information showing that the agency primarily responsible for
18 implementing the dispositional order has made reasonable efforts to prevent the
19 removal of the child from the home, while assuring that the child's health and safety
20 are the paramount concerns. The request shall be submitted to the court. The court
21 may also propose a change in placement on its own motion.

22 **SECTION 11.** 48.357 (2m) (b) of the statutes is amended to read:

23 48.357 (2m) (b) The court shall hold a hearing prior to ordering any change in
24 placement requested or proposed under par. (a) if the request states that new
25 information is available that affects the advisability of the current placement. ~~A~~

1 Except as provided in par. (bv), a hearing is not required if the requested or proposed
2 change in placement does not involve a change in placement of a child placed in the
3 child's home to a placement outside the child's home, written waivers of objection to
4 the proposed change in placement are signed by all persons entitled to receive notice
5 under this paragraph, other than a court-appointed special advocate, and the court
6 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
7 shall notify the child, the parent, guardian, and legal custodian of the child, any
8 foster parent or other physical custodian described in s. 48.62 (2) of the child, the
9 child's court-appointed special advocate, all parties who are bound by the
10 dispositional order, and, if the child is an Indian child, the Indian child's Indian
11 custodian and tribe. If the child is the expectant mother of an unborn child under
12 s. 48.133, the court shall also notify the unborn child by the unborn child's guardian
13 ad litem. If the change in placement involves an adult expectant mother of an unborn
14 child under s. 48.133, the court shall notify the adult expectant mother, the unborn
15 child by the unborn child's guardian ad litem, and all parties who are bound by the
16 dispositional order, at least 3 days prior to the hearing. A copy of the request or
17 proposal for the change in placement shall be attached to the notice. Subject to par.
18 (br), if all of the parties consent, the court may proceed immediately with the hearing.

19 **SECTION 12.** 48.357 (2m) (bv) of the statutes is created to read:

20 48.357 (2m) (bv) If the proposed change in placement involves a child who is
21 subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
22 48.355 (4) (b) 4. or 48.365 (5) (b) 4., only the child or the child's guardian on behalf
23 of the child or a person or agency primarily bound by the dispositional order may
24 request a change in placement under par. (a). No hearing is required for a change
25 in placement described in this paragraph if written waivers of objection to the

1 proposed change in placement are signed by the child, the guardian of the child, ~~any~~
2 ~~foster parent or other physical custodian under s. 48.62 (2) of the child,~~ and all parties
3 that are bound by the dispositional order. If a hearing is scheduled, the court may
4 proceed immediately with the hearing on the consent of the person who requested
5 the change in placement, the child, the guardian of the child, ~~any foster parent or~~
6 ~~other physical custodian under s. 48.62 (2) of the child,~~ and all parties who are bound
by the dispositional order.

8 **SECTION 13.** 48.357 (6) of the statutes is renumbered 48.357 (6) (a) (intro.) and
9 amended to read:

10 48.357 (6) (a) (intro.) No change in placement may extend the expiration date
11 of the original order, except that if the change in placement is from a placement in
12 the child's home to a placement outside the home the court may extend the expiration
13 date of the original order to the latest of the following dates, unless the court specifies
14 a shorter period:

- 15 1. The date on which the child reaches 18 years of age, to the
16 2. The date that is one year after the date of on which the change in placement
17 order, or, if is entered.
18 3. The date on which the child is granted a high school or high school
19 equivalency diploma or the date on which the child reaches 19 years of age,
20 whichever occurs first, if the child is a full-time student at a secondary school or its
21 vocational or technical equivalent and is reasonably expected to complete the
22 program before reaching 19 years of age, to the date on which the child reaches 19
23 years of age, whichever is later, or for a shorter period of time as specified by the
24 court.

(b) If the change in placement is from a placement outside the home to a placement in the child's home and if the expiration date of the original order is more than one year after the date of on which the change in placement order is entered, the court shall shorten the expiration date of the original order to the date that is one year after the date of on which the change in placement order is entered or to an earlier date as specified by the court.

the child is 17 years of age or older when the order is entered and

SECTION 14. 48.357 (6) (a) 4. of the statutes is created to read:

48.357 (6) (a) 4. The date on which the child is granted a high school or high school equivalency diploma or the date on which the child reaches 21 years of age, whichever occurs first, if the child is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the child. The court may not enter an order that terminates as provided in this subdivision unless the child, or the child's guardian on behalf of the child, agrees to the order.

SECTION 15. 48.365 (5) of the statutes is renumbered 48.365 (5) (a) and amended to read:

48.365 (5) (a) Except as provided in s. 48.368, an order under this section that continues the placement of a child in his or her home or that relates to an unborn child of an adult expectant mother shall be for a specified length of time not to exceed one year after its the date of entry on which the order is entered.

(b) Except as provided in s. 48.368, an order under this section that continues the placement of a child in an out-of-home placement shall be for a specified length of time not to exceed the latest of the following dates:

1. The date on which the child reaches 18 years of age.

At any time during the term of an order under this subdivision the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

1 2. The date that is one year after the date of entry of on which the order, or, if
 2 is entered.

3 3. The date on which the child is granted a high school or high school
 4 equivalency diploma or the date on which the child reaches 19 years of age,
 5 whichever occurs first, if the child is a full-time student at a secondary school or its
 6 vocational or technical equivalent and is reasonably expected to complete the
 7 program before reaching 19 years of age, the date on which the child reaches 19 years
 8 of age, whichever is later.

the child is 17 years of age or older when the order is entered and

9 **SECTION 16.** 48.365 (5) (b) 4. of the statutes is created to read:

10 48.365 (5) (b) 4. The date on which the child is granted a high school or high
 11 school equivalency diploma or the date on which the child reaches 21 years of age,
 12 whichever occurs first, if the child is a full-time student at a secondary school or its
 13 vocational or technical equivalent and if an individualized education program under
 14 s. 115.787 is in effect for the child. The court may not enter an order that terminates
 15 as provided in this subdivision unless the child, or the child's guardian on behalf of
 16 the child, agrees to the order.

At any time during the term of an order under this subdivision the child, or the child's guardian on behalf of the child, may request the court in writing to terminate the order and, on receipt of such request, the court, without a hearing, shall terminate the order.

17 **SECTION 17.** 48.366 of the statutes is repealed and recreated to read:

18 **48.366 Extended out-of-home care. (1) APPLICABILITY.** This section applies
 19 to a person who is placed in a foster home, group home, or residential care center for
 20 children and youth, in the home of a relative other than a parent, or in a supervised
 21 independent living arrangement under an order under s. 48.355, 48.357, or 48.365
 22 that terminates as provided in s. 48.355 (4) (b) 1., 2., or 3., 48.357 (6) (a) 1., 2., or 3.,
 23 or 48.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age, who is a
 24 full-time student of a secondary school or its vocational or technical equivalent, and
 25 for whom an individualized education program under s. 115.787 is in effect.

or who is with the ⁱⁿ guardianship and custody of an agency under s. 48.427 (3m) (a) 1. to 4. or (am) under an order under s. 48.43

and is placed in such a manner

If the person is subject to an order under s. 48.355, 48.357, or 48.365

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SECTION 17

described in sub. (1), the agency shall also request the person to indicate whether he or she wishes to continue in out-of-home care until the date specified in s. 48.365 (5)(b) 4. under an extension of the order.

(2) TRANSITION-TO-DISCHARGE HEARING. (a) Not less than 120 days before an order described in sub. (1) terminates, the agency primarily responsible for providing services under the order shall request the person who is the subject of the order to indicate whether he or she wishes to be discharged from out-of-home care on termination of the order, ~~wishes to continue in out-of-home care until the date specified in s. 48.365 (5)(b) 4. under an extension of the order,~~ or wishes to continue in out-of-home care under a voluntary agreement under sub. (3). If the person indicates that he or she wishes to be discharged from out-of-home care on termination of the order, the agency shall request a transition-to-discharge hearing under par. (b). If the person indicates that he or she wishes to continue in out-of-home care under an extension of ~~the~~ ^{an} order, the agency shall request an extension of the order under s. 48.365. If the person indicates that he or she wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the agency and the person shall enter into such an agreement.

(b) 1. If the person who is the subject of an order described in sub. (1) indicates that he or she wishes to be discharged from out-of-home care on termination of the order, the agency primarily responsible for providing services to the person under the order shall request the court to hold a transition-to-discharge hearing and shall cause notice of that request to be provided to that person, the parent, guardian, and legal custodian of that person, any foster parent or other physical custodian described in s. 48.62 (2) of that person, that person's court-appointed special advocate, all parties who are bound by the dispositional order, and, if that person is an Indian child who has been removed from the home of his or her parent or Indian custodian, that person's Indian custodian and tribe.

2. The court shall hold a hearing requested under subd. 1. within 30 days after receipt of the request. Not less than 3 days before the hearing, the agency requesting the hearing shall provide notice of the hearing to all persons who are entitled to receive notice of the request under subd. 1. A copy of the request shall be attached to the notice. If all persons who are entitled to receive the notice consent, the court may proceed immediately with the hearing.

under s. 48.355, 48.357, or 48.365
described in sub. (1)

3. At the hearing the court shall review with the person who is the subject of an order described in sub. (1) the options specified in par. (a) and shall advise the person that he or she may continue in out-of-home care as provided in par. (a) under an extension of ^(an) ~~the~~ order or under a voluntary agreement under sub. (3).

4. If the court determines that the person who is the subject of an order described in sub. (1) understands that he or she may continue in out-of-home care, but wishes to be discharged from that care on termination of the order, the court shall advise the person that he or she may enter into a voluntary agreement under sub. (3) at any time before he or she is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her. If the court determines that the person wishes to continue in out-of-home care under ^(an) ~~the~~ ^{under s. 48.355, 48.357, or 48.365} order described in sub. (1), the court shall schedule an extension hearing under s. 48.365. If the court determines that the person wishes to continue in out-of-home care under a voluntary agreement under sub. (3), the court shall order the agency primarily responsible for providing services to the person under the order to provide transition-to-independent-living services for the person under a voluntary agreement under sub. (3).

may terminate the agreement at any time during the
term of the agreement by notifying

(3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT. (a) On termination of an order described in sub. (1), the person who is the subject of the order, or the person's guardian on behalf of the person, and the agency primarily responsible for providing services to the person under the order may enter into a transition-to-independent-living agreement under which the person continues in out-of-home care and continues to be a full-time student at a secondary school or its vocational or technical equivalent under an individualized education program under s. 115.787 until the date on which the person reaches 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement as provided in par. (b), whichever occurs first, and the agency provides services to the person to assist him or her in transitioning to independent living. ^{The}

(b) ~~If at any time during the term of an agreement under par. (a) the person who is the subject of the agreement or his or her guardian indicates in writing that the person wishes to terminate the agreement, the agency primarily responsible for providing services under the agreement shall request the court to hold a transition-to-discharge hearing and shall cause notice of the request to be provided to that person, his or her guardian, the foster parent or other physical custodian described in s. 48.62 (2) of that person, and all parties who are bound by the agreement.~~

2. The court shall hold a hearing requested under subd. 1. within 30 days after receipt of the request. Not less than 3 days before the hearing, the agency requesting the hearing shall provide notice of the hearing to all persons who are entitled to receive notice of the request under subd. 1. A copy of the request shall be attached to the notice. If all persons who are entitled to receive notice consent, the court may proceed immediately with the hearing.

in writing that the person wishes
to terminate the agreement

1 3. ~~At the hearing the court shall review with the person who is the subject of~~
2 ~~the agreement the options of terminating the agreement or of continuing in~~
3 ~~out-of-home care under the agreement and shall advise the person that he or she~~
4 ~~may continue in out-of-home care under the agreement.~~

5 4. If the court determines that the person understands that he or she may
6 continue in out-of-home care under the agreement, but wishes to terminate the
7 agreement, the court shall advise the person that he or she may enter into a new
8 voluntary agreement under par. (c) at any time before he or she is granted a high
9 school or high school equivalency diploma or reaches 21 years of age, whichever
10 occurs first, so long as he or she is a full-time student at a secondary school or its
11 vocational or technical equivalent and an individualized educational program under
12 s. 115.787 is in effect for him or her. If the court determines that the person wishes
13 to continue in out-of-home care under the agreement, the court shall order the
14 agency primarily responsible for providing services to the person under the
15 agreement to provide transition-to-independent-living services for the person as
16 provided in the agreement.

17 (c) A person who terminates a voluntary agreement under this subsection, or
18 the person's guardian on the person's behalf, may request the agency primarily
19 responsible for providing services to the person under the agreement to enter into a
20 new voluntary agreement under this subsection at any time before the person is
21 granted a high school or high school equivalency diploma or reaches 21 years of age,
22 whichever occurs first, so long as the person is a full-time student at a secondary
23 school or its vocational or technical equivalent and an individualized education
24 program under s. 115.787 is in effect for him or her. If the request meets the

1 conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter
2 into a new voluntary agreement with that person.

3 (4) RULES. The department shall promulgate rules to implement this section.
4 Those rules shall include all of the following:

5 (a) Rules permitting a foster home, group home, or residential care center for
6 children and youth to provide care for persons who agree to continue in out-of-home
7 care under an extension of an order described in sub. (1) or a voluntary agreement
8 under sub. (3).

9 (b) Rules setting forth the conditions under which a person who has terminated
10 a voluntary agreement under sub. (3) and the agency primarily responsible for
11 providing services under the agreement may enter into a new voluntary agreement
12 under sub. (3) (c).

13 **SECTION 18.** 48.38 (2) (intro.) of the statutes is amended to read:

14 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
15 for each child living in a foster home, group home, residential care center for children
16 and youth, juvenile detention facility, ~~or~~ shelter care facility, or supervised
17 independent living arrangement, the agency that placed the child or arranged the
18 placement or the agency assigned primary responsibility for providing services to the
19 child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of
20 the following conditions exists, and, for each child living in the home of a guardian
21 or a relative other than a parent, that agency shall prepare a written permanency
22 plan, if any of the conditions specified in pars. (a) to (e) exists:

23 **SECTION 19.** 48.38 (2) (g) of the statutes is amended to read:

24 48.38 (2) (g) The child's parent is placed in a foster home, group home,
25 residential care center for children and youth, juvenile detention facility, ~~or~~ shelter

1 care facility, or supervised independent living arrangement and the child is residing
2 with that parent.

3 **SECTION 20.** 48.38 (4) (ar) of the statutes is renumbered 48.38 (4) (ar) (intro.)
4 and amended to read:

5 48.38 (4) (ar) (intro.) A description of the services offered and any services
6 provided in an effort to prevent the removal of the child from his or her home, while
7 assuring that the health and safety of the child are the paramount concerns, and to
8 achieve the goal of the permanency plan, except that the permanency plan is not
9 required to include a description of the services offered or provided with respect to
10 a parent of the child to prevent the removal of the child from the home or to achieve
11 the permanency goal of returning the child safely to his or her home if any of the
12 following applies:

13 1. Any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that
14 parent.

15 **SECTION 21.** 48.38 (4) (ar) 2. of the statutes is created to read:

16 48.38 (4) (ar) 2. The child has attained 18 years of age.

17 **SECTION 22.** 48.38 (4) (fg) 6. of the statutes is created to read:

18 48.38 (4) (fg) 6. If the child has attained 18 years of age, transition to
19 independent living.

20 **SECTION 23.** 48.38 (5) (c) 9. of the statutes is created to read:

21 48.38 (5) (c) 9. If the child is the subject of an order that terminates as provided
22 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4. or 48.365 (5) (b) 4., the appropriateness of the
23 transition-to-independent-living plan developed under s. 48.385; the extent of
24 compliance with that plan by the child, the child's guardian, if any, the agency
25 primarily responsible for providing services under that plan, and any other service

1 providers; and the progress of the child toward making the transition to independent
2 living.

3 **SECTION 24.** 48.385 of the statutes is amended to read:

4 **48.385 Plan for transition to independent living.** During the 90 days
5 immediately before a child who is placed in a foster home, group home, or residential
6 care center for children and youth ~~or~~, in the home of a relative other than a parent,
7 or in a supervised independent living arrangement attains 18 years of age or, if the
8 child is placed in such a placement under an order under s. 48.355, 48.357, or 48.365,
9 ~~938.355, 938.357, or 938.365~~ that terminates under s. 48.355 (4) ~~or 938.355 (4) (b)~~
10 after the child attains 18 years of age, during the 90 days immediately before the
11 termination of the order, the agency primarily responsible for providing services to
12 the child under the order shall provide the child with assistance and support in
13 developing a plan for making the transition from out-of-home care to independent
14 living. The transition plan shall be personalized at the direction of the child, shall
15 be as detailed as the child directs, and shall include specific options for obtaining
16 housing, health care, education, mentoring and continuing support services, and
17 workforce support and employment services.

18 **SECTION 25.** 48.44 (1) of the statutes is renumbered 48.44 and amended to read:

19 **48.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
20 over persons 17 years of age or older as provided under ss. 48.133, 48.355 (4), 48.357
21 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in this chapter.

22 **SECTION 26.** 48.44 (2) of the statutes is repealed.

23 **SECTION 27.** 48.48 (17) (c) 4. of the statutes is amended to read:

24 48.48 (17) (c) 4. Is living in a foster home, group home, or residential care center
25 for children and youth or in a supervised independent living arrangement.

1 **SECTION 28.** 48.481 (2) of the statutes, as created by 2013 Wisconsin Act 20, is
2 amended to read:

3 **48.481 (2) TRANSITION TO INDEPENDENT LIVING.** The department shall distribute
4 at least \$231,700 in each fiscal year to ~~counties~~ for the purpose of assisting
5 individuals who attain the age of 18 while residing in a foster home, group home, or
6 residential care center for children and youth ~~or~~, in the home of a relative other than
7 a parent, or in a supervised independent living arrangement to make the transition
8 from out-of-home care to independent living. No county may use funds provided
9 under this subsection to replace funds previously used by the county for this purpose.

10 **SECTION 29.** 48.57 (3) (a) 4. of the statutes is amended to read:

11 **48.57 (3) (a) 4.** Is living in a foster home, group home, residential care center
12 for children and youth, or subsidized guardianship home or in a supervised
13 independent living arrangement.

14 **SECTION 30.** 48.57 (3m) (a) 1. of the statutes is amended to read:

15 **48.57 (3m) (a) 1.** “Child” means a person under 18 years of age ~~or~~; a person 18
16 years of age or over, but under 19 years of age, who is a full-time student in good
17 academic standing at a secondary school or its vocational or technical equivalent and
18 who is reasonably expected to complete his or her program of study and be granted
19 a high school or high school equivalency diploma; or a person 18 years of age or over,
20 but under 21 years of age, who is a full-time student in good academic standing at
21 a secondary school or its vocational or technical equivalent if an individualized
22 education program under s. 115.787 is in effect for the person.

23 **SECTION 31.** 48.57 (3n) (a) 1. of the statutes is amended to read:

24 **48.57 (3n) (a) 1.** “Child” means a person under 18 years of age ~~or~~; a person 18
25 years of age or over, but under 19 years of age, who is a full-time student in good

1 academic standing at a secondary school or its vocational or technical equivalent and
2 who is reasonably expected to complete his or her program of study and be granted
3 a high school or high school equivalency diploma; or a person 18 years of age or over,
4 but under 21 years of age, who is a full-time student in good academic standing at
5 a secondary school or its vocational or technical equivalent if an individualized
6 education program under s. 115.787 is in effect for the person.

7 **SECTION 32.** 48.57 (3n) (am) 6. a. of the statutes is amended to read:

8 48.57 (3n) (am) 6. a. The date on which the child attains the age of 18 years;
9 or, if on that date the child is a full-time student in good academic standing at a
10 secondary school or its vocational or technical equivalent and is reasonably expected
11 to complete his or her program of study and be granted a high school or high school
12 equivalency diploma, the date on which the child is granted a high school or high
13 school equivalency diploma or the date on which the child attains the age of 19 years,
14 whichever occurs first; or, if on that date the child is a full-time student in good
15 academic standing at a secondary school or its vocational or technical equivalent and
16 an individualized education program under s. 115.787 is in effect for the child, the
17 date on which the child is granted a high school or high school equivalency diploma
18 or the date on which the child attains the age of 21 years, whichever occurs first.

19 **SECTION 33.** 48.619 of the statutes is renumbered 48.619 (intro.) and amended
20 to read:

21 **48.619 Definition.** (intro.) In this subchapter, "child" means a person under
22 18 years of age ~~and also includes, for.~~ For purposes of counting the number of
23 children for whom a foster home or group home may provide care and maintenance,
24 "child" also includes a person 18 years of age or over, but who resides in the foster
25 home or group home, if any of the following applies:

1 (1) The person is under 19 years of age, ~~who~~ is a full-time student at a
2 secondary school or its vocational or technical equivalent, ~~who~~ and is reasonably
3 expected to complete the program before reaching 19 years of age, ~~who was residing~~
4 ~~in the foster home or group home immediately prior to his or her 18th birthday, and~~
5 ~~who continues to reside in that foster home or group home.~~

6 **SECTION 34.** 48.619 (2) of the statutes is created to read:

7 48.619 (2) The person is under 21 years of age, is a full-time student at a
8 secondary school or its vocational or technical equivalent, and an individualized
9 education program under s. 115.787 is in effect for the person.

10 **SECTION 35.** 48.64 (4) (a) of the statutes is amended to read:

11 48.64 (4) (a) ~~Any~~ Except as provided in par. (d), any decision or order issued by
12 an agency that affects the head of a foster home or group home, the head of the home
13 of a relative other than a parent in which a child is placed, or the child involved may
14 be appealed to the department under fair hearing procedures established under
15 rules promulgated by the department. Upon receipt of an appeal, the department
16 shall give the head of the home reasonable notice and an opportunity for a fair
17 hearing. The department may make any additional investigation that the
18 department considers necessary. The department shall give notice of the hearing to
19 the head of the home and to the departmental subunit, county department, or child
20 welfare agency that issued the decision or order. Each person receiving notice is
21 entitled to be represented at the hearing. At all hearings conducted under this
22 paragraph, the head of the home, or a representative of the head of the home, shall
23 have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all
24 documents and records to be used at the hearing at a reasonable time before the date
25 of the hearing as well as during the hearing, to bring witnesses, to establish all

1 pertinent facts and circumstances, and to question or refute any testimony or
2 evidence, including an opportunity to confront and cross-examine adverse
3 witnesses. The department shall grant a continuance for a reasonable period of time
4 when an issue is raised for the first time during a hearing. This requirement may
5 be waived with the consent of the parties. The decision of the department shall be
6 based exclusively on evidence introduced at the hearing. A transcript of testimony
7 and exhibits, or an official report containing the substance of what transpired at the
8 hearing, together with all papers and requests filed in the proceeding, and the
9 findings of the hearing examiner shall constitute the exclusive record for decision by
10 the department. The department shall make the record available at any reasonable
11 time and at an accessible place to the head of the home or his or her representative.
12 Decisions by the department shall specify the reasons for the decision and identify
13 the supporting evidence. No person participating in an agency action being appealed
14 may participate in the final administrative decision on that action. The department
15 shall render its decision as soon as possible after the hearing and shall send a
16 certified copy of its decision to the head of the home and to the departmental subunit,
17 county department, or child welfare agency that issued the decision or order. The
18 decision shall be binding on all parties concerned.

19 **SECTION 36.** 48.64 (4) (c) of the statutes is amended to read:

20 48.64 (4) (c) The Except as provided in par. (d), the circuit court for the county
21 where the dispositional order placing a child in a foster home or group home or in the
22 home of a relative other than a parent was entered or the voluntary agreement under
23 s. 48.63 placing a child in a foster home or group home was made has jurisdiction
24 upon petition of any interested party over the child who is placed in the foster home,
25 group home, or home of the relative. The circuit court may call a hearing, at which

1 the head of the home and the supervising agency under sub. (2) shall be present, for
2 the purpose of reviewing any decision or order of that agency involving the placement
3 and care of the child. If the child has been placed in a foster home or in the home of
4 a relative other than a parent, the foster parent or relative may present relevant
5 evidence at the hearing. The petitioner has the burden of proving by clear and
6 convincing evidence that the decision or order issued by the agency is not in the best
7 interests of the child.

8 **SECTION 37.** 48.64 (4) (d) of the statutes is created to read:

9 48.64 (4) (d) No decision or order to change the placement of a child who is in
10 out-of-home care under a voluntary transition-to-independent-living agreement
11 under s. 48.366 (3) or 938.366 (3) may be appealed to the department under par. (a)
12 or reviewed by the circuit court under par. (c).

13 **SECTION 38.** 48.645 (1) (intro.) of the statutes is amended to read:

14 48.645 (1) DEFINITION. (intro.) In this section, “dependent child” means a child
15 under the age of 18 or, if the child is a full-time student at a secondary school or its
16 vocational or technical equivalent and is reasonably expected to complete the
17 program before reaching 19 years of age, is under the age of 19, or, if the child is a
18 full-time student at a secondary school or its vocational or technical equivalent for
19 whom an individualized educational program under s. 115.787 is in effect, is under
20 21 years of age, who meets all of the following conditions:

21 **SECTION 39.** 48.645 (1) (a) of the statutes is amended to read:

22 48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a
23 license is required under that section, in a foster home located within the boundaries
24 of a reservation in this state and licensed by the tribal governing body of the
25 reservation, in a group home licensed under s. 48.625, in a subsidized guardianship

1 home under s. 48.623, ~~or~~ in a residential care center for children and youth licensed
2 under s. 48.60, or in a supervised independent living arrangement and has been
3 placed in ~~the foster home, group home, subsidized guardianship~~ that home, ~~or center,~~
4 or arrangement by a county department under s. 46.215, 46.22, or 46.23, by the
5 department, or by a governing body of an Indian tribe in this state under an
6 agreement with a county department under s. 46.215, 46.22, or 46.23.

7 **SECTION 40.** 48.645 (2) (a) 3. of the statutes, as affected by 2013 Wisconsin Act
8 20, is amended to read:

9 48.645 (2) (a) 3. A county or, in a county having a population of 750,000 or more,
10 the department, when the child is placed in a licensed foster home, group home, or
11 residential care center for children and youth ~~or~~, in a subsidized guardianship home,
12 or in a supervised independent living arrangement by a licensed child welfare agency
13 or by a governing body of an Indian tribe in this state or by its designee, if the child
14 is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or
15 the department under s. 48.48 (17) or if the child was removed from the home of a
16 relative as a result of a judicial determination that continuance in the home of the
17 relative would be contrary to the child's welfare for any reason and the placement is
18 made under an agreement with the county department or the department.

19 **SECTION 41.** 48.645 (2) (b) of the statutes is amended to read:

20 48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be
21 granted for placement of a child in a foster home licensed by a governing body of an
22 Indian tribe, for placement of a child in a foster home, group home, subsidized
23 guardianship home, ~~or~~ residential care center for children and youth, or supervised
24 independent living arrangement by a governing body of an Indian tribe or its
25 designee, or for the placement of a child who is a ward of a tribal court if the governing

1 body of the Indian tribe of the tribal court is receiving or is eligible to receive funds
2 from the federal government for that type of placement.

3 **SECTION 42.** 48.685 (1) (am) of the statutes is amended to read:

4 48.685 (1) (am) “Client” means a ~~child~~ person who receives direct care or
5 treatment services from an entity or from a caregiver specified in par. (ag) 1. am.


6 **SECTION 43.** 48.685 (1) (b) of the statutes is amended to read:

7 48.685 (1) (b) “Entity” means a child welfare agency that is licensed under s.
8 48.60 to provide care and maintenance for children, to place children for adoption,
9 or to license foster homes; a foster home that is licensed under s. 48.62; an interim
10 caretaker to whom subsidized guardianship payments are made under s. 48.623 (6);
11 a group home that is licensed under s. 48.625; a shelter care facility that is licensed
12 under s. 938.22; a child care center that is licensed under s. 48.65 or established or
13 contracted for under s. 120.13 (14); a child care provider that is certified under s.
14 48.651; an organization that facilitates delegations of the care and custody of
15 children under s. 48.979; an agency that provides services to a person placed in a
16 supervised independent living arrangement; or a temporary employment agency
17 that provides caregivers to another entity.

18 **SECTION 44.** 48.78 (2) (d) 3. of the statutes is repealed.

19 **SECTION 45.** 146.82 (2) (a) 18m. of the statutes, as affected by 2013 Wisconsin
20 Act 20, is amended to read:

21 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
22 or juvenile who has been placed in a foster home, group home, residential care center
23 for children and youth, or juvenile correctional facility or in a supervised
24 independent living arrangement, including a placement under s. 48.205, 48.21,
25 938.205, or 938.21, or for whom placement in a foster home, group home, residential



1 care center for children and youth, or juvenile correctional facility or in a supervised
2 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
3 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
4 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
5 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425
6 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
7 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
8 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, to the foster
9 parent of the child or juvenile or the operator of the group home, residential care
10 center for children and youth, or juvenile correctional facility in which the child or
11 juvenile is placed, or to an agency that placed the child or juvenile or arranged for
12 the placement of the child or juvenile in any of those placements and, by any of those
13 agencies, to any other of those agencies and, by the agency that placed the child or
14 juvenile or arranged for the placement of the child or juvenile in any of those
15 placements, to the foster parent of the child or juvenile or the operator of the group
16 home, residential care center for children and youth, or juvenile correctional facility
17 in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

18 **SECTION 46.** 227.03 (4) of the statutes is amended to read:

19 227.03 (4) The provisions of this chapter relating to contested cases do not
20 apply to proceedings involving the revocation of aftercare supervision under s.
21 ~~48.366 (5)~~ or 938.357 (5), the revocation of parole, extended supervision, or probation,
22 the grant of probation, prison discipline, mandatory release under s. 302.11, or any
23 other proceeding involving the care and treatment of a resident or an inmate of a
24 correctional institution.

25 **SECTION 47.** 252.15 (3m) (d) 15. of the statutes is amended to read:

1 252.15 (3m) (d) 15. If the subject of the HIV test is a child who has been placed
2 in a foster home, group home, residential care center for children and youth, or
3 juvenile correctional facility, as defined in s. 938.02 (10p), or in a supervised
4 independent living arrangement, including a placement under s. 48.205, 48.21,
5 938.205, or 938.21, or for whom placement in a foster home, group home, residential
6 care center for children and youth, or juvenile correctional facility or in a supervised
7 independent living arrangement is recommended under s. 48.33 (4), 48.425 (1) (g),
8 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court
9 report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33
10 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425
11 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing
12 a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5)
13 (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that
14 placed the child or arranged for the placement of the child in any of those placements
15 and, by any of those agencies, to any other of those agencies and, by the agency that
16 placed the child or arranged for the placement of the child in any of those placements,
17 to the child's foster parent or the operator of the group home, residential care center
18 for children and youth, or juvenile correctional facility in which the child is placed,
19 as provided in s. 48.371 or 938.371.

20 **SECTION 48.** 301.03 (9) of the statutes is amended to read:

21 301.03 (9) Supervise all persons placed under s. ~~48.366 (8)~~ or 938.183 in a state
22 prison.

23 **SECTION 49.** 301.12 (2) of the statutes is amended to read:

24 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
25 including ~~but not limited to~~ a person placed under s. ~~48.366~~, 938.183, 938.34 (4h) or

1 (4m), or 938.357 (4) or (5) (e), receiving care, maintenance, services, and supplies
2 provided by any institution in this state operated or contracted for by the
3 department, in which the state is chargeable with all or part of the person's care,
4 maintenance, services, and supplies, and the person's property and estate, including
5 the homestead, and the spouse of the person, and the spouse's property and estate,
6 including the homestead, and, in the case of a minor child, the parents of the person,
7 and their property and estates, including their homestead, and, in the case of a
8 foreign child described in s. 48.839 (1) who became dependent on public funds for his
9 or her primary support before an order granting his or her adoption, the resident of
10 this state appointed guardian of the child by a foreign court who brought the child
11 into this state for the purpose of adoption, and his or her property and estate,
12 including his or her homestead, shall be liable for the cost of the care, maintenance,
13 services, and supplies in accordance with the fee schedule established by the
14 department under s. 301.03 (18). If a spouse, widow, or minor, or an incapacitated
15 person, may be lawfully dependent upon the property for ~~their~~ his or her support, the
16 court shall release all or such part of the property and estate from the charges that
17 may be necessary to provide for ~~those persons~~ that person. The department shall
18 make every reasonable effort to notify the liable persons as soon as possible after the
19 beginning of the maintenance, but the notice or the receipt of the notice is not a
20 condition of liability.

21 **SECTION 50.** 301.26 (4) (a) of the statutes is amended to read:

22 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
23 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd)
24 for the costs of care, services, and supplies purchased or provided by the department
25 of corrections for each person receiving services under s. ~~48.366~~, 938.183 or 938.34

1 or the department of health services for each person receiving services under s.
2 46.057 or 51.35 (3). The department of corrections may not bill a county for or deduct
3 from a county's allocation the cost of care, services, and supplies provided to a person
4 subject to an order under s. ~~48.366~~ or 938.183 after the person reaches 18 years of
5 age. Payment shall be due within 60 days after the billing date. If any payment has
6 not been received within those 60 days, the department of corrections may withhold
7 aid payments in the amount due from the appropriation under s. 20.410 (3) (cd).

8 **SECTION 51.** 301.26 (4) (b) of the statutes is amended to read:

9 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
10 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
11 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
12 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
13 jurisdiction under ~~chs. 48 and ch.~~ 938 for each person receiving services from the
14 department of corrections under s. ~~48.366~~, 938.183, or 938.34 or the department of
15 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
16 (cm), in multicounty court jurisdictions, the county of residency within the
17 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
18 par. (a) shall also be made according to the general placement type or level of care
19 provided, as defined by the department, and prorated according to the ratio of the
20 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
21 services, and supplies provided by the department of corrections under ~~ss. 48.366,~~
22 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35
23 (3).

24 **SECTION 52.** 301.26 (4) (c) of the statutes is amended to read:

1 301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
2 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho). or (hr),
3 the costs of care, services, and supplies provided for each person receiving services
4 under s. 46.057, ~~48.366~~, 51.35 (3), 938.183, or 938.34 who was under the
5 guardianship of the department of children and families pursuant to an order under
6 ch. 48 at the time that the person was adjudicated delinquent.

7 **SECTION 53.** 301.26 (4) (cm) 2. of the statutes is repealed.

8 **SECTION 54.** 301.26 (4) (d) 1m. of the statutes is amended to read:

9 301.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under ~~ss.~~
10 ~~48.366 and s.~~ 938.183, all payments and deductions made under this subsection and
11 uniform fee collections made under s. 301.03 (18) shall be credited to the
12 appropriation account under s. 20.410 (3) (hm).

13 **SECTION 55.** 302.11 (1) of the statutes is amended to read:

14 302.11 (1) The warden or superintendent shall keep a record of the conduct of
15 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),
16 (1m), (1q), (1z), and (7) ~~and (10)~~, each inmate is entitled to mandatory release on
17 parole by the department. The mandatory release date is established at two-thirds
18 of the sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b)
19 resulting in fractions of a day shall be rounded in the inmate's favor to a whole day.

20 **SECTION 56.** 302.11 (10) of the statutes is repealed.

21 **SECTION 57.** 302.17 (2) of the statutes is amended to read:

22 302.17 (2) The department shall make entries on the register to reflect the
23 progress made by each inmate while incarcerated and the inmate's release on parole
24 or extended supervision, condition at the time of release on parole or extended

1 supervision and progress made while on parole or extended supervision. ~~This~~
2 ~~subsection does not apply to inmates subject to an order under s. 48.366.~~

3 **SECTION 58.** 302.17 (3) of the statutes is repealed.

4 **SECTION 59.** 302.255 of the statutes is repealed.

5 **SECTION 60.** 302.31 (7) of the statutes is amended to read:

6 302.31 (7) The temporary placement of persons in the custody of the
7 department, other than persons under 17 years of age, and persons who have
8 attained the age of 17 years but have not attained the age of 25 years who are under
9 the supervision of the department under s. ~~48.366~~ or 938.355 (4) and who have been
10 taken into custody pending revocation of aftercare supervision under s. ~~48.366 (5)~~ or
11 938.357 (5) (e).

12 **SECTION 61.** 304.15 of the statutes is repealed.

13 **SECTION 62.** 767.405 (8) (b) 1. of the statutes is amended to read:

14 767.405 (8) (b) 1. That a party engaged in abuse, as defined in s. 813.122 (1)
15 (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

16 **SECTION 63.** 767.405 (10) (e) 1. of the statutes is amended to read:

17 767.405 (10) (e) 1. There is evidence that a party engaged in abuse, as defined
18 in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

19 **SECTION 64.** 767.41 (2) (b) 2. c. of the statutes is amended to read:

20 767.41 (2) (b) 2. c. The parties will not be able to cooperate in the future decision
21 making required under an award of joint legal custody. In making this finding the
22 court shall consider, along with any other pertinent items, any reasons offered by a
23 party objecting to joint legal custody. Evidence that either party engaged in abuse,
24 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b),
25 or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or

1 domestic abuse, as defined in s. 813.12 (1) (am), creates a rebuttable presumption
2 that the parties will not be able to cooperate in the future decision making required.

3 **SECTION 65.** 767.41 (5) (am) 12. of the statutes is amended to read:

4 767.41 (5) (am) 12. Whether there is evidence that a party engaged in abuse,
5 as defined in s. 813.122 (1) (a), of the child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b).

6 **SECTION 66.** 905.045 (1) (a) of the statutes is amended to read:

7 905.045 (1) (a) "Abusive conduct" means abuse, as defined in s. 813.122 (1) (a),
8 of a child, as defined in s. ~~48.02 (2)~~ 813.122 (1) (b), interspousal battery, as described
9 under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or
10 sexual assault under s. 940.225.

11 **SECTION 67.** 938.02 (intro.) of the statutes is amended to read:

12 **938.02 Definitions.** (intro.) In this chapter, ~~unless the context requires~~
13 otherwise:

14 **SECTION 68.** 938.33 (4) (intro.) of the statutes is amended to read:

15 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
16 placement in a foster home, group home, or nonsecured residential care center for
17 children and youth, in the home of a relative other than a parent, ~~or~~ in the home of
18 a guardian under s. 48.977 (2), or in a supervised independent living arrangement
19 shall be in writing, except that the report may be presented orally at the dispositional
20 hearing if all parties consent. A report that is presented orally shall be transcribed
21 and made a part of the court record. The report shall include all of the following:

22 **SECTION 69.** 938.335 (3g) (intro.) of the statutes is amended to read:

23 938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this
24 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
25 the juvenile in a foster home, group home, or residential care center for children and

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1 youth, ~~or~~ in the home of a relative other than a parent, in the home of a guardian
2 under s. 48.977 (2), or in a supervised independent living arrangement, the agency
3 shall present as evidence specific information showing all of the following:

4 **SECTION 70.** 938.355 (4) (a) of the statutes is amended to read:

5 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
6 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
7 that places or continues the placement of the juvenile in his or her home shall
8 terminate ~~at the end of~~ one year after the date on which the order is granted unless
9 the court specifies a shorter period of time or the court terminates the order sooner.

10 (am) Except as provided in par. (b) or s. 938.368, an order under this section
11 or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places
12 or continues the placement of the juvenile in a foster home, group home, or
13 residential care center for children and youth ~~or, in the home of a relative other than~~
14 ~~a parent,~~ or in a supervised independent living arrangement shall terminate when
15 on the latest of the following dates, unless the court specifies a shorter period or the
16 court terminates the order sooner:

- 17 1. The date on which the juvenile attains 18 years of age, ~~at the end of,~~
- 18 2. The date that is one year after the date on which the order is granted, ~~or, if,~~
- 19 3. The date on which the juvenile is granted a high school or high school
20 equivalency diploma or the date on which the juvenile attains 19 years of age,
21 whichever occurs first, if the juvenile is a full-time student at a secondary school or
22 its vocational or technical equivalent and is reasonably expected to complete the
23 program before attaining 19 years of age, ~~when the juvenile attains 19 years of age,~~
24 ~~whichever is later, unless the court specifies a shorter period of time or the court~~
25 ~~terminates the order sooner.~~

the juvenile is 17 years of age or older when the order is granted and

SECTION 71. 938.355 (4) (am) 4. of the statutes is created to read:

938.355 (4) (am) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age, whichever occurs first, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile. The court may not grant an order that terminates as provided in this subdivision unless the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order.

SECTION 72. 938.355 (6) (a) 1. of the statutes is amended to read:

938.355 (6) (a) 1. If Except as provided in subd. 3., if a juvenile who has been adjudged delinquent or to have violated a civil law or ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in par. (d). ~~A sanction may be imposed under this subdivision only if, at the dispositional hearing under s. 938.335, the court explained the conditions to the juvenile and informed the juvenile of those possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions.~~

SECTION 73. 938.355 (6) (a) 2. of the statutes is amended to read:

938.355 (6) (a) 2. If Except as provided in subd. 3., if a juvenile who has been found to be in need of protection or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions under par. (d), other than placement in a juvenile detention facility or juvenile portion of a county jail.

At any time during the term of an order under this subdivision the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

specified in sub. (2)(b) 7.

1 2m. A sanction may be imposed under ~~this subdivision~~ subd. 1. or 2. only if, at
2 the dispositional hearing under s. 938.335, the court explained the conditions to the
3 juvenile and informed the juvenile of those possible sanctions or if before the
4 violation the juvenile has acknowledged in writing that he or she has read, or has had
5 read to him or her, those conditions and possible sanctions and that he or she
6 understands those conditions and possible sanctions.

7 **SECTION 74.** 938.355 (6) (a) 3. of the statutes is created to read:

8 938.355 (6) (a) 3. The court may not impose a sanction under subd. 1. or 2. on
9 a juvenile who is subject to an order under this section or s. 938.357 or 938.365 that
10 terminates as provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4.

11 **SECTION 75.** 938.355 (6d) (a) 1. of the statutes is amended to read:

12 938.355 (6d) (a) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
13 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
14 ~~policies adopted by the county board relating to the taking into custody and~~
15 ~~placement of a juvenile under this subdivision~~ subds. 2g., 2m., and 2r., if a juvenile
16 who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
17 juvenile's caseworker or any other person authorized to provide or providing intake
18 or dispositional services for the court under s. 938.067 or 938.069 may, without a
19 hearing, take the juvenile into custody and place the juvenile in a juvenile detention
20 facility or juvenile portion of a county jail that meets the standards promulgated by
21 the department by rule or in a place of nonsecure custody designated by that person
22 for not more than 72 hours while the alleged violation and the appropriateness of a
23 sanction under sub. (6) are being investigated. specified in sub. (2)(b) 7.

24 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
25 2. only if at the dispositional hearing the court explained ~~those~~ ^{the} conditions to the

1 juvenile and informed the juvenile of that possible placement or if before the
2 violation the juvenile has acknowledged in writing that he or she has read, or has had
3 read to him or her, those conditions and that possible placement and that he or she
4 understands those conditions and that possible placement.

5 **SECTION 76.** 938.355 (6d) (a) 2. of the statutes is amended to read:

6 938.355 (6d) (a) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
7 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
8 ~~policies adopted by the county board relating to the taking into custody and~~
9 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r.,~~ if a juvenile
10 who has been adjudged delinquent violates a condition specified in sub. (2) (b) 7., the
11 juvenile's caseworker or any other person authorized to provide or providing intake
12 or dispositional services for the court under s. 938.067 or 938.069 may, without a
13 hearing, take the juvenile into custody and place the juvenile in a juvenile detention
14 facility or juvenile portion of a county jail that meets the standards promulgated by
15 the department by rule or in a place of nonsecure custody designated by that person
16 for not more than 72 hours as a consequence of that violation. ~~Short-term detention~~
17 ~~may be imposed under this subdivision only if at the dispositional hearing the court~~
18 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
19 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
20 ~~or she has read, or has had read to him or her, those conditions and that possible~~
21 ~~placement and that he or she understands those conditions and that possible~~
22 ~~placement.~~ A person who takes a juvenile into custody under this subdivision shall
23 permit the juvenile to make a written or oral statement concerning the possible
24 placement of the juvenile and the course of conduct for which the juvenile was taken
25 into custody. A person designated by the court or county department who is employed

1 in a supervisory position by a person authorized to provide or providing intake or
2 dispositional services under s. 938.067 or 938.069 shall review that statement and
3 either approve the placement, modify the terms of the placement, or order the
4 juvenile to be released from custody.

5 **SECTION 77.** 938.355 (6d) (a) 2g. of the statutes is created to read:

6 938.355 (6d) (a) 2g. The taking into custody and placement of a juvenile under
7 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
8 938.06 (1) and (2) and to any policies adopted by the county board relating to such
9 taking into custody and placement.

10 **SECTION 78.** 938.355 (6d) (a) 2r. of the statutes is created to read:

11 938.355 (6d) (a) 2r. A juvenile who is subject to an order under this section or
12 s. 938.357 or 938.365 that terminates as provided in sub. (am) 4. or s. 938.357 (6) (a)
13 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

14 **SECTION 79.** 938.355 (6d) (b) 1. of the statutes is amended to read:

15 938.355 (6d) (b) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
16 ~~general written policies adopted by the court under s. 938.06 (1) or (2), to any policies~~
17 ~~adopted by the county department relating to aftercare supervision administered by~~
18 ~~the county department, and to any policies adopted by the county board relating to~~
19 ~~the taking into custody and placement of a juvenile under this subdivision subds. 2g.,~~
20 2m., and 2r., if a juvenile who is on aftercare supervision administered by the a
21 county department violates a condition of that supervision, the juvenile's caseworker
22 or any other person authorized to provide or providing intake or dispositional
23 services for the court under s. 938.067 or 938.069 may, without a hearing, take the
24 juvenile into custody and place the juvenile in a juvenile detention facility or juvenile
25 portion of a county jail that meets the standards promulgated by the department by

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of aftercare supervision

rule or in a place of nonsecure custody designated by that person for not more than 72 hours while the alleged violation and the appropriateness of revoking the juvenile's aftercare status are being investigated.

2m. Short-term detention may be imposed under this subdivision subd. 1. or 2. only if at the dispositional hearing the court explained ^(the) those conditions to the juvenile and informed the juvenile of that possible placement or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible placement and that he or she understands those conditions and that possible placement.

SECTION 80. 938.355 (6d) (b) 2. of the statutes is amended to read:

938.355 **(6d)** (b) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any general written policies adopted by the court under s. 938.06 (1) or (2), to any policies adopted by the county department relating to aftercare supervision administered by the county department, and to any policies adopted by the county board relating to the taking into custody and placement of a juvenile under this subdivision subds. 2g., 2m., and 2r., if a juvenile who is on aftercare supervision administered by the county department violates a condition of that supervision, the juvenile's caseworker or any other person authorized to provide or providing intake or dispositional services for the court under s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place the juvenile in a juvenile detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody designated by that person for not more than 72 hours as a consequence of that violation. ~~Short-term detention under this subdivision may be imposed only if at the dispositional hearing the court explained those conditions to the juvenile and informed the juvenile of that possible placement or if before the~~

1 ~~violation the juvenile has acknowledged in writing that he or she has read, or has had~~
2 ~~read to him or her, those conditions and that possible placement and that he or she~~
3 ~~understands those conditions and that possible placement.~~ A person who takes a
4 juvenile into custody under this subdivision shall permit the juvenile to make a
5 written or oral statement concerning the possible placement of the juvenile and the
6 course of conduct for which the juvenile was taken into custody. A person designated
7 by the court or the county department who is employed in a supervisory position by
8 a person authorized to provide or providing intake or dispositional services under s.
9 938.067 or 938.069 shall review that statement and either approve the placement of
10 the juvenile, modify the terms of the placement, or order the juvenile to be released
11 from custody.

12 **SECTION 81.** 938.355 (6d) (b) 2g. of the statutes is created to read:

13 938.355 **(6d)** (b) 2g. The taking into custody and placement of a juvenile under
14 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
15 938.06 (1) and (2), to any policies adopted by the county department relating to
16 aftercare supervision administered by the county department, and to any policies
17 adopted by the county board relating to such taking into custody and placement.

18 **SECTION 82.** 938.355 (6d) (b) 2r. of the statutes is created to read:

19 938.355 **(6d)** (b) 2r. A juvenile who is subject to an order under this section or
20 s. 938.357 or 938.365 that terminates as provided in sub. (4) (am) 4. or 938.357 (6)
21 (a) 4. or 938.365 (5) (b) 4. may not be taken into custody under subd 1. or 2.

22 **SECTION 83.** 938.355 (6d) (c) 1. of the statutes is amended to read:

23 938.355 **(6d)** (c) 1. Notwithstanding ss. 938.19 to 938.21, but subject to any
24 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
25 ~~policies adopted by the county board relating to the taking into custody and~~

1 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r.~~, if a juvenile
2 who has been found to be in need of protection or services under s. 938.13 violates
3 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
4 authorized to provide or providing intake or dispositional services for the court under
5 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
6 the juvenile in a place of nonsecure custody designated by that person for not more
7 than 72 hours while the alleged violation and the appropriateness of a sanction
8 under sub. (6) or (6m) are being investigated.

9 2m. Short-term detention may be imposed under ~~this subdivision~~ subd. 1. or
10 2. only if at the dispositional hearing the court explained ~~these~~ conditions to the
11 juvenile and informed the juvenile of that possible placement or if before the
12 violation the juvenile has acknowledged in writing that he or she has read, or has had
13 read to him or her, those conditions and that possible placement and that he or she
14 understands those conditions and that possible placement.

15 **SECTION 84.** 938.355 (6d) (c) 2. of the statutes is amended to read:


16 938.355 **(6d)** (c) 2. Notwithstanding ss. 938.19 to 938.21, but subject to any
17 ~~general written policies adopted by the court under s. 938.06 (1) or (2) and to any~~
18 ~~policies adopted by the county board relating to the taking into custody and~~
19 ~~placement of a juvenile under this subdivision subds. 2g., 2m., and 2r.~~, if a juvenile
20 who has been found to be in need of protection or services under s. 938.13 violates
21 a condition specified in sub. (2) (b) 7., the juvenile's caseworker or any other person
22 authorized to provide or providing intake or dispositional services for the court under
23 s. 938.067 or 938.069 may, without a hearing, take the juvenile into custody and place
24 the juvenile in a place of nonsecure custody designated by that person for not more
25 than 72 hours as a consequence of that violation. ~~Short-term detention may be~~

1 ~~imposed under this subdivision only if at the dispositional hearing the court~~
2 ~~explained those conditions to the juvenile and informed the juvenile of that possible~~
3 ~~placement or if before the violation the juvenile has acknowledged in writing that he~~
4 ~~or she has read, or has had read to him or her, those conditions and that possible~~
5 ~~placement and that he or she understands those conditions and that possible~~
6 ~~placement.~~ A person who takes a juvenile into custody under this subdivision shall
7 permit the juvenile to make a written or oral statement concerning the possible
8 placement of the juvenile and the course of conduct for which the juvenile was taken
9 into custody. A person designated by the court or the county department who is
10 employed in a supervisory position by a person authorized to provide or providing
11 intake or dispositional services under s. 938.067 or 938.069 shall review that
12 statement and either approve the placement, modify the terms of the placement, or
13 order the juvenile to be released from custody.

14 **SECTION 85.** 938.355 (6d) (c) 2g. of the statutes is created to read:

15 938.355 **(6d)** (c) 2g. The taking into custody and placement of a juvenile under
16 subd. 1. or 2. is subject to any general written policies adopted by the court under s.
17 938.06 (1) and (2) and to any policies adopted by the county board relating to such
18 taking into custody and placement.

19 **SECTION 86.** 938.355 (6d) (c) 2r. of the statutes is created to read:

20 938.355 **(6d)** (c) 2r. A juvenile who is subject to an order under this section or
21 s. 938.357 or 938.365 that terminates as provided in sub. (4) (am) 4. or s. 938.357 (6)
22 (a) 4. or 938.365 (5) (b) 4. may not be taken into custody under subd. 1. or 2. 

23 **SECTION 87.** 938.357 (1) (am) 2. (intro.) of the statutes is amended to read:

24 938.357 **(1)** (am) 2. (intro.) Any Except as provided in subd. 2r., any person
25 receiving the notice under subd. 1. or notice of a specific placement under s. 938.355

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1 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court
2 within 10 days after receipt of the notice. Placements Except as provided in subds.
3 2m. and 2r., placements may not be changed until 10 days after that notice is sent
4 to the court unless the parent, guardian, legal custodian, or Indian custodian, the
5 juvenile, if 12 or more years of age, and the juvenile's tribe, if the juvenile is an Indian
6 juvenile who has been removed from the home of his or her parent or Indian
7 custodian under s. 938.13 (4), (6), (6m), or (7), sign written waivers of objection,
8 ~~except that changes.~~

9 2m. Changes in placement that were authorized in the dispositional order may
10 be made immediately if notice is given as required under subd. 1. In addition, a
11 hearing is not required for placement changes authorized in the dispositional order
12 except when an objection filed by a person who received notice alleges that new
13 information is available that affects the advisability of the court's dispositional order.

14 **SECTION 88.** 938.357 (1) (am) 2r. of the statutes is created to read:

15 938.357 (1) (am) 2r. If the proposed change in placement involves a juvenile
16 who is subject to a dispositional order that terminates as provided in sub. (6) (a) 4.
17 or s. 938.355 (4) (am) 4. or 938.365 (5) (b) 4., the person or agency primarily
18 responsible for implementing the dispositional order or the district attorney may
19 request a change in placement under this paragraph only if the juvenile or the
20 juvenile's guardian on behalf of the juvenile consents to the change in placement.
21 That person or agency or the district attorney shall cause written notice of the
22 proposed change in placement to be sent to the juvenile, the guardian of the juvenile,
23 and any foster parent or other physical custodian described in s. 48.62 (2) of the
24 juvenile. No hearing is required for a change in placement described in this

1 subdivision, and the juvenile's placement may be changed at any time after notice
2 of the proposed change in placement is sent to the court.

3 **SECTION 89.** 938.357 (2) of the statutes is amended to read:

4 938.357 (2) EMERGENCY CHANGE IN PLACEMENT. If emergency conditions
5 necessitate an immediate change in the placement of a juvenile placed outside the
6 home, the person or agency primarily responsible for implementing the dispositional
7 order may remove the juvenile to a new placement, whether or not authorized by the
8 existing dispositional order, without the prior notice under sub. (1) (am) 1. or the
9 consent required under sub. (1) (am) 2r. The notice shall be sent within 48 hours after
10 the emergency change in placement. Any party receiving notice may demand a
11 hearing under sub. (1) (am) 2. In emergency situations, a juvenile may be placed in
12 a licensed public or private shelter care facility as a transitional placement for not
13 more than 20 days or in any placement authorized under s. 938.34 (3).

14 **SECTION 90.** 938.357 (2m) (a) of the statutes is amended to read:

15 938.357 (2m) (a) *Request; information required.* ~~The~~ Except as provided in par.
16 (bv), the juvenile, the parent, guardian, or legal custodian of the juvenile, any person
17 or agency primarily bound by the dispositional order, other than the person or agency
18 responsible for implementing the order, or, if the juvenile is an Indian juvenile who
19 is in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the Indian
20 juvenile's Indian custodian may request a change in placement under this
21 paragraph. The request shall contain the name and address of the new placement
22 requested and shall state what new information is available that affects the
23 advisability of the current placement. If the proposed change in placement would
24 change the placement of a juvenile placed in the juvenile's home to a placement
25 outside the home, the request shall also contain specific information showing that

1 continued placement of the juvenile in the juvenile's home would be contrary to the
2 welfare of the juvenile and, unless any of the circumstances under s. 938.355 (2d) (b)
3 1. to 4. applies, specific information showing that the agency primarily responsible
4 for implementing the dispositional order has made reasonable efforts to prevent the
5 removal of the juvenile from the home, while assuring that the juvenile's health and
6 safety are the paramount concerns. The request shall be submitted to the court. The
7 court may also propose a change in placement on its own motion.

8 **SECTION 91.** 938.357 (2m) (b) of the statutes is amended to read:

9 938.357 (2m) (b) *Hearing; when required.* The court shall hold a hearing prior
10 to ordering any change in placement requested or proposed under par. (a) if the
11 request states that new information is available that affects the advisability of the
12 current placement. ~~A- Except as provided in par. (bv),~~ a hearing is not required if
13 the requested or proposed change in placement does not involve a change in
14 placement of a juvenile placed in the juvenile's home to a placement outside the
15 juvenile's home, written waivers of objection to the proposed change in placement are
16 signed by all parties entitled to receive notice under this paragraph, and the court
17 approves. If a hearing is scheduled, not less than 3 days before the hearing the court
18 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,
19 any foster parent or other physical custodian described in s. 48.62 (2) of the juvenile,
20 all parties who are bound by the dispositional order, and, if the juvenile is an Indian
21 juvenile who is in need of protection or services under s. 938.13 (4), (6), (6m), or (7),
22 the Indian juvenile's Indian custodian and tribe. A copy of the request or proposal
23 for the change in placement shall be attached to the notice. Subject to par. (br), if all
24 of the parties consent, the court may proceed immediately with the hearing.

25 **SECTION 92.** 938.357 (2m) (bv) of the statutes is created to read:

1 938.357 (2m) (bv) If the proposed change in placement involves a juvenile who
2 is subject to a dispositional order that terminates as provided in sub. (6) (a) 4. or s.
3 938.355 (4) (am) 4. or 938.365 (5) (b) 4., only the juvenile or the juvenile's guardian
4 on behalf of the juvenile or a person or agency primarily bound by the dispositional
5 order may request a change in placement under par. (a). No hearing is required for
6 a change in placement described in this paragraph if written waivers of objection to
7 the proposed change in placement are signed by the juvenile, the guardian of the
8 juvenile, ~~any foster parent or other physical custodian under s. 48.62 (2) of the~~
9 ~~juvenile,~~ and all parties that are bound by the dispositional order. If a hearing is
10 scheduled, the court may proceed immediately with the hearing on the consent of the
11 person who requested the change in placement, the juvenile, the guardian of the
12 juvenile, ~~any foster parent or other physical custodian under s. 48.62 (2) of the~~
13 ~~juvenile,~~ and all parties who are bound by the dispositional order.

14 **SECTION 93.** 938.357 (4g) (b) of the statutes is amended to read:

15 938.357 (4g) (b) The department may waive the time period within which an
16 aftercare plan must be prepared and submitted under par. (a) if the department
17 anticipates that the juvenile will remain in the juvenile correctional facility or
18 secured residential care center for children and youth for a period exceeding 8
19 months or if the juvenile is subject to s. 48.366 or 938.183. If the department waives
20 that time period, the designated aftercare provider shall prepare the aftercare plan
21 within 30 days after the date on which the department requests the aftercare plan.

22 **SECTION 94.** 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and
23 amended to read:

24 938.357 (6) (a) No change in placement may extend the expiration date of the
25 original order, except that if the change in placement is from a placement in the

1 juvenile's home to a placement in a foster home, group home, or residential care
2 center for children and youth ~~or~~, in the home of a relative who is not a parent, or in
3 a supervised independent living arrangement, the court may extend the expiration
4 date of the original order to the latest of the following dates, unless the court specifies
5 a shorter period:

6 1. The date on which the juvenile attains 18 years of age, to the

7 2. The date that is one year after the date of on which the change in placement
8 order, or, if is granted.

9 3. The date on which the juvenile is granted a high school or high school
10 equivalency diploma or the date on which the juvenile attains 19 years of age,
11 whichever occurs first, if the juvenile is a full-time student at a secondary school or
12 its vocational or technical equivalent and is reasonably expected to complete the
13 program before attaining 19 years of age, to the date on which the juvenile attains
14 19 years of age, whichever is later, or for a shorter period of time as specified by the
15 court.

16 (b) If the change in placement is from a placement in a foster home, group home,
17 or residential care center for children and youth or in the home of a relative to a
18 placement in the juvenile's home and if the expiration date of the original order is
19 more than one year after the date of on which the change in placement order is
20 granted, the court shall shorten the expiration date of the original order to the date
21 that is one year after the date of on which the change in placement order is granted
22 or to an earlier date as specified by the court.

23 **SECTION 95.** 938.357 (6) (a) 4. of the statutes is created to read:

24 938.357 (6) (a) 4. The date on which the juvenile is granted a high school or high
25 school equivalency diploma or the date on which the juvenile attains 21 years of age,

The juvenile is 17 years of age or older when the order is granted and

whichever occurs first, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile. The court may not grant an order that terminates as provided in this subdivision unless the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order.

SECTION 96. 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and amended to read:

938.365 (5) (a) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in his or her home or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to exceed one year after its the date of entry on which the order is granted.

(b) Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in a foster home, group home, or residential care center for children and youth or, in the home of a relative other than a parent, or in a supervised independent living arrangement shall be for a specified length of time not to exceed the latest of the following dates:

1. The date on which the juvenile attains 18 years of age,
2. The date that is one year after the date on which the order is granted, or, if,
3. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 19 years of age, whichever occurs first, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, ~~the date on which the juvenile attains 19 years of age, whichever is later.~~

SECTION 97. 938.365 (5) (b) 4. of the statutes is created to read:

At any time during the term of an order under this subdivision the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

the juvenile is 17 years of age or older when the order is granted and

938.365 (5) (b) 4. The date on which the juvenile is granted a high school or high school equivalency diploma or the date on which the juvenile attains 21 years of age, whichever occurs first, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program under s. 115.787 is in effect for the juvenile. The court may not grant an order that terminates as provided in this subdivision unless the juvenile, or the juvenile's guardian on behalf of the juvenile, agrees to the order.

SECTION 98. 938.366 of the statutes is created to read:

938.366 Extended out-of-home care. (1) **APPLICABILITY.** This section applies to a person who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in a supervised independent living arrangement under an order under s. 938.355, 938.357, or 938.365 that terminates as provided in s. 938.355 (4) (am) 1., 2., or 3., 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after the person attains 18 years of age, who is a full-time student of a secondary school or its vocational or technical equivalent, and for whom an individualized education program under s. 115.787 is in effect.

(2) **TRANSITION-TO-DISCHARGE HEARING.** (a) Not less than 120 days before an order described in sub. (1) terminates, the agency primarily responsible for providing services under the order shall request the person who is the subject of the order to indicate whether he or she wishes to be discharged from out-of-home care on termination of the order, wishes to continue in out-of-home care until the date specified in s. 938.365 (5) (b) 4. under an extension of the order, or wishes to continue in out-of-home care under a voluntary agreement under sub. (3). If the person indicates that he or she wishes to be discharged from out-of-home care on

at any time during the term of an order under this subdivision the juvenile, or the juvenile's guardian on behalf of the juvenile, may request the court in writing to terminate the order and, on receipt of such a request, the court, without a hearing, shall terminate the order.

1 termination of the order, the agency shall request a transition-to-discharge hearing
2 under par. (b). If the person indicates that he or she wishes to continue in
3 out-of-home care under an extension of the order, the agency shall request an
4 extension of the order under s. 938.365. If the person indicates that he or she wishes
5 to continue in out-of-home care under a voluntary agreement under sub. (3), the
6 agency and the person shall enter into such an agreement.

7 (b) 1. If the person who is the subject of an order described in sub. (1) indicates
8 that he or she wishes to be discharged from out-of-home care on termination of the
9 order, the agency primarily responsible for providing services to the person under the
10 order shall request the court to hold a transition-to-discharge hearing and shall
11 cause notice of that request to be provided to that person, the parent, guardian, and
12 legal custodian of that person, any foster parent or other physical custodian
13 described in s. 48.62 (2) of that person, all parties who are bound by the dispositional
14 order, and, if that person is an Indian juvenile who has been removed from the home
15 of his or her parent or Indian custodian, that person's Indian custodian and tribe. *stat*

16 ~~2. The court shall hold a hearing requested under subd. 1. within 30 days after~~
17 ~~receipt of the request. Not less than 3 days before the hearing, the agency requesting~~
18 ~~the hearing shall provide notice of the hearing to all persons who are entitled to~~
19 ~~receive notice of the request under subd. 1. A copy of the request shall be attached~~
20 ~~to the notice. If all persons who are entitled to receive the notice consent, the court~~
21 ~~may proceed immediately with the hearing.~~

22 ~~3. At the hearing the court shall review with the person who is the subject of~~
23 ~~an order described in sub. (1) the options specified in par. (a) and shall advise the~~
24 ~~person that he or she may continue in out-of-home care as provided in par. (a) under~~
25 ~~an extension of the order or under a voluntary agreement under sub. (3).~~

1 4. If the court determines that the person who is the subject of an order
2 described in sub. (1) understands that he or she may continue in out-of-home care,
3 but wishes to be discharged from that care on termination of the order, the court shall
4 advise the person that he or she may enter into a voluntary agreement under sub.
5 (3) at any time before he or she is granted a high school or high school equivalency
6 diploma or reaches 21 years of age, whichever occurs first, so long as he or she is a
7 full-time student at a secondary school or its vocational or technical equivalent and
8 an individualized education program under s. 115.787 is in effect for him or her. If
9 the court determines that the person wishes to continue in out-of-home care under
10 an extension of the order described in sub. (1), the court shall schedule an extension
11 hearing under s. 938.365. If the court determines that the person wishes to continue
12 in out-of-home care under a voluntary agreement under sub. (3), the court shall
13 order the agency primarily responsible for providing services to the person under the
14 order to provide transition-to-independent-living services for the person under a
15 voluntary agreement under sub. (3).

16 **(3) VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT.** (a) On
17 termination of an order described in sub. (1), the person who is the subject of the
18 order, or the person's guardian on behalf of the person, and the agency primarily
19 responsible for providing services to the person under the order may enter into a
20 transition-to-independent-living agreement under which the person continues in
21 out-of-home care and continues to be a full-time student at a secondary school or
22 its vocational or technical equivalent under an individualized education program
23 under s. 115.787 until the date on which the person reaches 21 years of age, is granted
24 a high school or high school equivalency diploma, or terminates the agreement as

may terminate the agreement at any time during the term of the agreement by notifying

provided in par. (b), whichever occurs first, and the agency provides services to the person to assist him or her in transitioning to independent living.

(b) ~~If at any time during the term of an agreement under par. (a) the person who is the subject of the agreement or his or her guardian indicates in writing that~~

~~the person wishes to terminate the agreement,~~ the agency primarily responsible for

providing services under the agreement ~~shall request the court to hold a~~

~~transition-to-discharge hearing and shall cause notice of the request to be provided~~

~~to that person, his or her guardian, the foster parent or other physical custodian~~

~~described in s. 48.62 (2) of that person, and all parties who are bound by the~~

~~agreement in writing that the person wishes to terminate the agreement~~

2. The court shall hold a hearing requested under subd. 1. within 30 days after

receipt of the request. Not less than 3 days before the hearing, the agency requesting

the hearing shall provide notice of the hearing to all persons who are entitled to

receive notice of the request under subd. 1. A copy of the request shall be attached

to the notice. If all persons who are entitled to receive notice consent, the court may

proceed immediately with the hearing.

3. At the hearing the court shall review with the person who is the subject of

the agreement the options of terminating the agreement or of continuing in

out-of-home care under the agreement and shall advise the person that he or she

may continue in out-of-home care under the agreement.

4. If the court determines that the person understands that he or she may

continue in out-of-home care under the agreement, but wishes to terminate the

agreement, the court shall advise the person that he or she may enter into a new

voluntary agreement under par. (c) at any time before he or she is granted a high

school or high school equivalency diploma or reaches 21 years of age, whichever

occurs first, so long as he or she is a full-time student at a secondary school or its vocational or technical equivalent and an individualized educational program under s. 115.787 is in effect for him or her. If the court determines that the person wishes to continue in out-of-home care under the agreement, the court shall order the agency primarily responsible for providing services to the person under the agreement to provide transition-to-independent-living services for the person as provided in the agreement.

(c) A person who terminates a voluntary agreement under this subsection, or the person's guardian on the person's behalf, may request the agency primarily responsible for providing services to the person under the agreement to enter into a new voluntary agreement under this subsection at any time before the person is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as the person is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program under s. 115.787 is in effect for him or her. If the request meets the conditions set forth in the rules promulgated under sub. (4) (b), the agency shall enter into a new voluntary agreement with that person.

(4) RULES. The department of children and families shall promulgate rules to implement this section. Those rules shall include all of the following:

(a) Rules permitting a foster home, group home, or residential care center for children and youth to provide care for persons who agree to continue in out-of-home care under an extension of an order described in sub. (1) or a voluntary agreement under sub. (3).

(b) Rules setting forth the conditions under which a person who has terminated a voluntary agreement under sub. (3) and the agency primarily responsible for

1 providing services under the agreement may enter into a new voluntary agreement
2 under sub. (3) (c).

3 **SECTION 99.** 938.38 (2) (intro.) of the statutes is amended to read:

4 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
5 for each juvenile living in a foster home, group home, residential care center for
6 children and youth, juvenile detention facility, ~~or~~ shelter care facility, or supervised
7 independent living arrangement, the agency that placed the juvenile or arranged the
8 placement or the agency assigned primary responsibility for providing services to the
9 juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any
10 of the following conditions exists, and, for each juvenile living in the home of a
11 guardian or a relative other than a parent, that agency shall prepare a written
12 permanency plan, if any of the conditions under pars. (a) to (e) exists:

13 **SECTION 100.** 938.38 (4) (ar) of the statutes is renumbered 938.38 (4) (ar)
14 (intro.) and amended to read:

15 938.38 (4) (ar) (intro.) A description of the services offered and any services
16 provided in an effort to prevent the removal of the juvenile from his or her home,
17 while assuring that the health and safety of the juvenile are the paramount concerns,
18 and to achieve the goal of the permanency plan, except that the permanency plan is
19 not required to include a description of the services offered or provided with respect
20 to a parent of the juvenile to prevent the removal of the juvenile from the home or
21 to achieve the permanency goal of returning the juvenile safely to his or her home
22 if any of the following applies:

23 1. Any of the circumstances under s. 938.355 (2d) (b) 1. to 4. ~~apply~~ applies to
24 that parent.

25 **SECTION 101.** 938.38 (4) (ar) 2. of the statutes is created to read:

1 938.38 (4) (ar) 2. The juvenile has attained 18 years of age.

2 **SECTION 102.** 938.38 (4) (fg) 6. of the statutes is created to read:

3 938.38 (4) (fg) 6. If the juvenile has attained 18 years of age, transition to
4 independent living.

5 **SECTION 103.** 938.38 (5) (c) 9. of the statutes is created to read:

6 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as
7 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4., the
8 appropriateness of the transition-to-independent-living plan developed under s.
9 938.385; the extent of compliance with that plan by the juvenile, the juvenile's
10 guardian, if any, the agency primarily responsible for providing services under that
11 plan, and any other service providers; and the progress of the juvenile toward
12 making the transition to independent living.

13 **SECTION 104.** 938.385 of the statutes is created to read:

14 **938.385 Plan for transition to independent living.** During the 90 days
15 immediately before a juvenile who is placed in a foster home, group home, or
16 residential care center for children and youth, in the home of a relative other than
17 a parent, or in a supervised independent living arrangement attains 18 years of age
18 or, if the juvenile is placed in such a placement under an order under s. 938.355,
19 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile
20 attains 18 years of age, during the 90 days immediately before the termination of the
21 order, the agency primarily responsible for providing services to the juvenile under
22 the order shall provide the juvenile with assistance and support in developing a plan
23 for making the transition from out-of-home care to independent living. The
24 transition plan shall be personalized at the direction of the juvenile, shall be as
25 detailed as the juvenile directs, and shall include specific options for obtaining

1 housing, health care, education, mentoring and continuing support services, and
2 workforce support and employment services.

3 **SECTION 105.** 938.44 of the statutes is amended to read:

4 **938.44 Jurisdiction over persons 17 or older.** The court has jurisdiction
5 over persons 17 years of age or older as provided under ss. 938.355 (4), 938.357 (6),
6 938.365 (5), and 938.45 and as otherwise specified in this chapter.

7 **SECTION 106.** 938.53 of the statutes is amended to read:

8 **938.53 Duration of control of department over delinquents.** Except as
9 provided under ~~ss. 48.366 and s.~~ 938.183, a juvenile adjudged delinquent who has
10 been placed under the supervision of the department under s. 938.183, 938.34 (4h),
11 (4m), or (4n), or 938.357 (4) shall be discharged as soon as the department determines
12 that there is a reasonable probability that departmental supervision is no longer
13 necessary for the rehabilitation and treatment of the juvenile or for the protection
14 of the public.

15 **SECTION 107.** 938.57 (3) (a) 4. of the statutes is amended to read:

16 **938.57 (3) (a) 4.** Is living in a foster home, group home, residential care center
17 for children and youth, or subsidized guardianship home or in a supervised
18 independent living arrangement.

19 **SECTION 108.** 938.595 of the statutes is amended to read:

20 **938.595 Duration of control of county departments over delinquents.**
21 ~~Except as provided in s. 48.366, a~~ A juvenile who has been adjudged delinquent and
22 placed under the supervision of a county department under s. 938.34 (4d) or (4n)
23 shall be discharged as soon as the county department determines that there is a
24 reasonable probability that it is no longer necessary either for the rehabilitation and

1 treatment of the juvenile or for the protection of the public that the county
2 department retain supervision.

3 **SECTION 109.** 938.78 (2) (d) 3. of the statutes is amended to read:

4 938.78 (2) (d) 3. Subject to an order under s. ~~48.366~~ or 938.183 and placed in
5 a state prison under s. ~~48.366 (8)~~ or 938.183.

6 **SECTION 110.** 938.992 (3) of the statutes is repealed.

7 **SECTION 111.** 946.42 (1) (a) 1. f. of the statutes is amended to read:

8 946.42 (1) (a) 1. f. Constructive custody of prisoners and juveniles subject to an
9 order under s. ~~48.366~~, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e)
10 temporarily outside the institution whether for the purpose of work, school, medical
11 care, a leave granted under s. 303.068, a temporary leave or furlough granted to a
12 juvenile, or otherwise.

13 **SECTION 112.** 946.42 (3) (d) of the statutes is repealed.

14 **SECTION 113.** 946.44 (2) (d) of the statutes is amended to read:

15 946.44 (2) (d) "Prisoner" includes a person who is under the supervision of the
16 department of corrections under s. 938.34 (4h), who is placed in a juvenile
17 correctional facility or a secured residential care center for children and youth under
18 s. 938.183, 938.34 (4m), or 938.357 (4) or (5) (e), or who is placed in a Type 2
19 residential care center for children and youth under s. 938.34 (4d), ~~or who is subject~~
20 ~~to an order under s. 48.366.~~

21 **SECTION 114.** 946.45 (2) (d) of the statutes is amended to read:

22 946.45 (2) (d) "Prisoner" includes a person who is under the supervision of the
23 department of corrections under s. 938.34 (4h), who is placed in a juvenile
24 correctional facility or a secured residential care center for children and youth under
25 s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e), or who is placed in a Type 2 residential

1 care center for children and youth under s. 938.34 (4d), ~~or who is subject to an order~~
2 ~~under s. 48.366.~~

3 **SECTION 115.** 976.08 of the statutes is amended to read:

4 **976.08 Additional applicability.** In this chapter, “prisoner” includes any
5 person subject to an order under s. ~~48.366~~ or 938.183 who is confined to a Wisconsin
6 state prison.

7 **SECTION 116. Nonstatutory provisions.**

8 (1) **EXTENDED OUT-OF-HOME CARE; RULES.**

9 (a) *Permanent rules.* The department of children and families shall present the
10 statement of scope of the rules required under section 48.366 (4) of the statutes, as
11 affected by this act, and section 938.366 (4) of the statutes, as created by this act, to
12 the governor for approval under section 227.135 (2) of the statutes no later than the
13 30th day after the effective date of this paragraph. The department of children and
14 families shall submit in proposed form the rules required under section 48.366 (4)
15 of the statutes, as affected by this act, and section 938.366 (4) of the statutes, as
16 created by this act, to the legislative council staff under section 227.15 (1) of the
17 statutes no later than the first day of the 4th month beginning after the governor
18 approves the statement of scope for the rules.

19 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
20 the department of children and families may promulgate the rules required under
21 section 48.366 (4) of the statutes, as affected by this act, and section 938.366 (4) of
22 the statutes, as created by this act, for the period before the effective date of the rules
23 submitted under paragraph (a), but not to exceed the period authorized under section
24 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the
25 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the

1 department of children and families is not required to provide evidence that
2 promulgating a rule under this paragraph as an emergency rule is necessary for the
3 preservation of the public peace, health, safety, or welfare and is not required to
4 provide a finding of emergency for a rule promulgated under this paragraph.

5 **SECTION 117. Effective dates.** This act takes effect on the first day of the 4th
6 month beginning after publication, except as follows:

7 (1) RULES. SECTION 116 (1) of this act takes effect on the day after publication.

8 (END)

(intro.), 938.357 (2), 938.357 (2m) (a), 938.357 (2m) (b), 938.357 (4g) (b), 938.38 (2) (intro.), 938.44, 938.53, 938.57 (3) (a) 4., 938.595, 938.78 (2) (d) 3., 946.42 (1) (a) 1. f., 946.44 (2) (d), 946.45 (2) (d) and 976.08; **to repeal and recreate** 48.366; and **to create** 48.355 (4) (b) 4., 48.357 (1) (am) 2r., 48.357 (2m) (bv), 48.357 (6) (a) 4., 48.365 (5) (b) 4., 48.38 (4) (ar) 2., 48.38 (4) (fg) 6., 48.38 (5) (c) 9., 48.619 (2), 48.64 (4) (d), 938.355 (4) (am) 4., 938.355 (6) (a) 3., 938.355 (6d) (a) 2g., 938.355 (6d) (a) 2r., 938.355 (6d) (b) 2g., 938.355 (6d) (b) 2r., 938.355 (6d) (c) 2g., 938.355 (6d) (c) 2r., 938.357 (1) (am) 2r., 938.357 (2m) (bv), 938.357 (6) (a) 4., 938.365 (5) (b) 4., 938.366, 938.38 (4) (ar) 2., 938.38 (4) (fg) 6., 938.38 (5) (c) 9. and 938.385 of the statutes; **relating to:** extended out-of-home care to 21 years of age for children with individualized education programs, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) that places or continues the placement of a child in out-of-home care terminates when the child reaches 18 years of age, one year after entry of the order, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, whichever is later, unless the juvenile court specified a shorter period of time or terminates the order sooner.

This bill permits a child placed in out-of-home care who is a full-time student at a secondary school or its vocational or technical equivalent and for whom an individualized education program (IEP) is in effect (child with an IEP) to continue in out-of-home care until the child is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, under either an extended dispositional order of the juvenile court or a voluntary transition-to-independent-living agreement between the child, or the child's guardian on behalf of the child, and the agency primarily responsible for providing services to the child under the dispositional order (agency). (An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level

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SECTION 1. 48.235 (1) (e) of the statutes is amended to read:

48.235 (1) (e) The court shall appoint a guardian ad litem, or extend the appointment of a guardian ad litem previously appointed under par. (a), for any child alleged or found to be in need of protection or services, if the court has ordered, or if a request or recommendation has been made that the court order, the child to be placed out of his or her home under s. 48.345 or 48.357. This paragraph does not apply to a child who is subject to a dispositional order that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

History: Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 189, 263; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334; 1999 a. 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 94.

(END OF INSERT)

(INSERT 10-7)

SECTION 2. 48.357 (2v) (a) 3. of the statutes is amended to read:

48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the agency primarily responsible for providing services under the change in placement order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home. This subdivision does not apply to a child who is subject to a dispositional order that terminates as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4.

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20; 2009 a. 28, 79, 94; 2011 a. 181; 2011 a. 260 s. 80.

(END OF INSERT)

(INSERT 33-13)

SECTION 3. 938.235 (1) (e) of the statutes is amended to read:

1 938.235 (1) (e) The court shall appoint a guardian ad litem, or extend the
2 appointment of a guardian ad litem previously appointed under par. (a), for any
3 juvenile alleged or found to be in need of protection or services, if the court has
4 ordered, or if a request or recommendation has been made that the court order, the
5 juvenile to be placed out of his or her home under s. 938.345 or 938.357. This
6 paragraph does not apply to a juvenile who is subject to a dispositional order that
7 terminates as provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b)
8 4.

History: 1995 a. 77, 275; 1997 a. 237; 2005 a. 344; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 94.

(END OF INSERT)

(INSERT 42-22)

9 **SECTION 4.** 938.355 (6m) (a) (intro.) of the statutes is amended to read:

10 938.355 (6m) (a) *Violation of habitual truancy order.* (intro.) If the court finds
11 by a preponderance of the evidence that a juvenile who has been found to have
12 violated a municipal ordinance enacted under s. 118.163 (2) or who has been found
13 to be in need of protection or services under s. 938.13 (6) has violated a condition
14 specified under sub. (2) (b) 7., the court may order as a sanction any combination of
15 the sanctions under subds. 1g. to 4. and the dispositions under s. 938.342 (1g) (d) to
16 (j) and (1m), regardless of whether the disposition was imposed in the order violated
17 by the juvenile. A sanction may be imposed under this paragraph only if at the
18 dispositional hearing under s. 938.335 the court explained those conditions to the
19 juvenile and informed the juvenile of the possible sanctions under this paragraph for
20 a violation or if before the violation the juvenile has acknowledged in writing that
21 he or she has read, or has had read to him or her, those conditions and possible
22 sanctions and that he or she understands those conditions and possible sanctions.

1 The court may not impose a sanction under this paragraph on a juvenile who is
2 subject to an order under this section or s. 938.357 or 938.365 that terminates as
3 provided in sub. (4) (am) 4. or s. 938.357 (6) (a) 4. or 938.365 (5) (b) 4. The court may
4 order as a sanction under this paragraph any of the following:

History: 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; s. 13.92 (2) (i).

(INSERT 46-13)

5 **SECTION 5.** 938.357 (2v) (a) 3. of the statutes is amended to read:

6 938.357 (2v) (a) 3. If the court finds that any of the circumstances under s.
7 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the
8 agency primarily responsible for providing services under the change in placement
9 order is not required to make reasonable efforts with respect to the parent to make
10 it possible for the juvenile to return safely to his or her home. This subdivision does
11 not apply to a juvenile who is subject to a dispositional order that terminates as
12 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 205, 237; 1999 a. 9, 103; 2001 a. 16, 103, 109; 2005 a. 344; 2007 a. 20, 199; 2009 a. 28, 79, 94; 2011 a. 181, 258.

Malaise, Gordon

From: Liedl, Kimberly - DCF <Kimberly.Liedl@wisconsin.gov>
Sent: Tuesday, November 26, 2013 3:18 PM
To: Malaise, Gordon
Cc: Buschman, Sara - DCF
Subject: Foster Care to 21 edits

Hi, Gordon, we have two small changes to the draft of LRB 2915. Hopefully these are our final edits.
Thanks,
Kimber

1. p.7, lines 3 – 6: This correctly reflects our intention to have the extension to 21 decided after the age of 17, and then to be able to end that extension short of court involvement. However, the child should not be able to end the court order in this way (by writing a letter to the court) before the prior order would have expired. As currently drafted, a 17-year-old could agree to an extension and then at 17 ½ write the court to request the order terminate and the court would have to terminate. That scenario should not be possible prior to the 18th birthday.
2. P. 26, line 17: the clause “an agency that provides services to a person placed in a supervised independent living arrangement” is too broad for the background check purposes. Our read is that this could include any agency that provides mental health or any other community services. We suggest this be modified to reflect that the agency providing primary supervision to the youth in independent living (if an agency other than the county agency) should be covered under the background check, but not all ancillary services providers.